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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Ernest Craig FILBRANDT,

Defendant,

Magistrate Judge No. 97-10

87 DEC 20 AM 9:40 MJ 2940

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

COMPLAINT FOR VIOLATION OF:

by: DEPUTY  
Title 18, U. S. C., Section 111  
Assault on a Federal Officer

Title 18, U.S.C., Section 758  
High Speed Flight From  
Immigration Checkpoint

The undersigned complainant, being duly sworn, states:

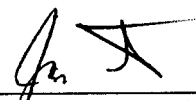
COUNT ONE

That on or about **December 18, 2007**, within the Southern District of California, defendant **Ernest Craig FILBRANDT**, did forcibly assault, resist, oppose, impede and interfere with Wackenhut Security Transport Officer Bradley Hamilton, an officer of the United States Government as defined by Title 18, United States Code, Section 1114, while Transport Officer Bradley Hamilton was engaged in or on account of the performance of his official duties; in violation of Title 18, United States Code, Sections 111 and 1114.


COUNT TWO

On or about **December 18, 2007**, within the Southern District of California, defendant, **Ernest Craig FILBRANDT** while in a motor vehicle, did willfully flee and evade a checkpoint operated by the United States Border Patrol, a federal law enforcement agency, and did willfully flee federal law enforcement officers at a speed in excess of the legal speed limit: in violation of Title 18 United States Code, Section 758.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
\_\_\_\_\_  
SIGNATURE OF COMPLAINANT  
James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 20<sup>th</sup> DAY OF December 2007

  
\_\_\_\_\_  
William McCurine, Jr.  
UNITED STATES MAGISTRATE JUDGE

### PROBABLE CAUSE STATEMENT

On December 18, 2007, at approximately 5:00 PM, Wackenhut Security Officers B. Hamilton and A. Gualotuna Senior were working transportation duties for the United States Border Patrol. Wackenhut is a security company that provides transportation officers to the United States Border Patrol, on a contract basis, to assist the United States Border Patrol and Border Patrol Agents in the performance of their official duties of apprehension and detention of illegal aliens. Officers Hamilton and Gualotuna were transporting seven Border Patrol detainees from outlying stations to a central detention facility. They were traveling west on Interstate 8, approximately three miles from the Pine Valley Border Patrol Checkpoint when they noticed a red Ford F-150 truck pull up beside them. The driver of the truck, later identified as the defendant **Ernest Craig FILBRANDT**, began to yell obscene language and make obscene hand gestures at them. Officer Hamilton tried to slow down and let the truck pass them. The defendant slowed down, matched their speed, and continued the obscene gestures and language. When Officer Hamilton sped up to escape the defendant, the defendant sped up and cut in front of the transport vehicle. Officer Hamilton was forced off the road and onto the shoulder. The defendant then sped of toward the Border Patrol Check Point and cut in front of the vehicles that were waiting to pass through the checkpoint. On this day the checkpoint was fully operational with all warning signs and lights in place.

Officer Hamilton moved pulled his vehicle in front of the defendant's vehicle approximately two hundred feet from the Checkpoint. Officer Hamilton stopped, but the defendant drove around the transport van. Officer Hamilton stepped in front of the defendant's truck and instructed the defendant to stop. The defendant accelerated toward Officer Hamilton, causing him to "backpedal" and move out of the way in fear of injury. Officers Hamilton and Gualotuna called for assistance from the Border Patrol Agents manning the checkpoint. The Border Patrol Agents came to their aid.

Patrol Agents R. Waasdorp and R. Platel were assigned to the Interstate 8 westbound Border Patrol Checkpoint in Pine Valley, California. At approximately 5:05 PM Agents Waasdorp and Platel noticed two vehicles approaching the checkpoint on the wrong side of the checkpoint cone pattern. One of the vehicles then re-entered the lane of traffic approximately ten cars before the primary position. The other vehicle pulled forward a short distance and two occupants exited the vehicle. As the agents approached the scene they noticed that the two occupants that exited the vehicle were Wackenhut Transportation Officers. Officer Hamilton told them that the driver of the truck he was standing in front of tried to run them off the road and that they were concerned for the safety of the seven detainees in their vehicle. The vehicle was a burgundy Ford F150 pickup truck. As Officer Hamilton was telling the agents this information, the driver of the truck lurched forward toward Officer Hamilton. Agent Waasdorp informed the driver of the truck to proceed to secondary inspection and wait there. The defendant proceeded to secondary and stopped. Before agents could approach the vehicle, the defendant sped off at a high rate of speed without being given permission to leave. A controlled tire deflation device was deployed. The defendant continued even with the tire losing air. Agents Waasdorp and Platel immediately went to search for the defendant.

**CONTINUATION OF COMPLAINT:****Ernest Craig FILBRANDT**

While returning to the checkpoint at approximately 5:50 PM, Agent Waasdorp saw the vehicle parked on the shoulder of Interstate 8 east of Sunrise Highway. Agent Waasdorp stopped and noticed that a man, identified as the defendant, was attempting to change a tire. As Agent Waasdorp approached the vehicle he noticed that the man changing the tire was the same man he had referred to secondary. At this point, Agent Waasdorp took the defendant into custody. Agent Platel arrived on scene and transported the defendant to the checkpoint.

At the checkpoint, Officers Hamilton and Gualotuna positively identified defendant Ernest Craig FILIBRANDT as the driver of the truck that had run them off the road and who had driven his vehicle toward Officer Hamilton.

\_\_\_\_\_  
SIGNATURE OF COMPLAINANT

James Trombley

Senior Patrol Agent

12/20/07, 0916  
Date/Time

\_\_\_\_\_  
William McCurine, Jr.

UNITED STATES MAGISTRATE JUDGE